

EV188389625

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#23

Butler
10/11/02

Application Serial No.09/052,278
Filing Date3/30/98
Inventorship Robin
Applicant Microsoft Corporation
Group Art Unit2672
Examiner C. Harrison
Attorney's Docket No.MS1-206USC1
Title: Apparatus and Method For Automatically Positioning A Cursor On A Control

APPEAL BRIEF

To: Board of Patent Appeals and Interferences
Washington, D.C. 20231

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PATENT TRADEMARK OFFICE

Pursuant to 37 C.F.R. §1.192, Applicant hereby submits an appeal brief for application 09/052,278. A Notice of Appeal was filed August 9, 2002. Accordingly, Applicant appeals to the Board of Patent Appeals and Interferences seeking review of the Examiner's rejections.

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1 **(1) Real Party in Interest**

2 The real party in interest is the Microsoft Corporation, the assignee of all
3 right and title to the subject invention.

4
5 **(2) Related Appeals and Interferences**

6 Appellant is not aware of any other appeals or interferences which will
7 directly affect, be directly affected by, or otherwise have a bearing on the Board's
8 decision to this pending appeal.

9
10 **(3) Status of Claims**

11 Claims 1-8 are pending in this application of which claims 1, 3, and 5-8
12 stand rejected. Claims 2 and 4 have been allowed and no claims have been
13 canceled. Claims 1, 2, 4, 7, and 8 have been previously amended and are set forth
14 in the Appendix of Appealed Claims on page 10 with the remaining claims as
15 originally presented.

16 Pending claims 1, 3, and 5-8 are subject to this appeal and stand rejected
17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,570,108 to
18 McLaughlin et al. (hereinafter, "McLaughlin"), as set forth in a Final Office
19 Action dated March 11, 2002.

20
21 **(4) Status of Amendments**

22 A final rejection was issued on March 11, 2002 whereupon Applicant
23 responded to address the rejection of claims 1, 3, and 5-8. Subsequently, an
24 Advisory Action was issued on May 23, 2002 dismissing the traversal and
25

1 maintaining the rejection of claims 1, 3, and 5-8. No other amendments have been
2 filed subsequent to the Examiner's final rejection or ensuing Advisory Action.

3
4 **(5) Summary of Invention**

5 The present Application describes a data structure that includes a provision
6 for aggregating a group of controls, referred to as a control group, and for defining
7 the control group as active or inactive (*Specification* p.10, lines 16-22). A control
8 group identifier designates which control group a particular control belongs to
9 when each particular control is identified in the data structure (*Specification* p.16,
10 lines 7-9). This provides a convenient method to activate or deactivate a group of
11 the controls registered in the data structure (*Specification* p.19, lines 6-16).

12
13 **(6) Issue**

14 Whether pending claims 1, 3, and 5-8 are properly rejected under 35 U.S.C.
15 §103(a) as being unpatentable over McLaughlin?

16
17 **(7) Grouping of Claims**

18 Pending claims 1, 3, and 5-8 stand or fall together.

19
20 **(8) Argument**

21 Claims 1, 3, and 5-8 stand rejected under 35 U.S.C. §103(a) as being
22 unpatentable over McLaughlin. Applicant respectfully traverses this rejection.

23 McLaughlin describes a system to calibrate and control a display screen
24 with user selectable controls displayed on the display screen. The system enables
25 a user to lock in a selected set of display parameters so that the parameters can not

1 be easily, or inadvertently, changed (col. 7, lines 31-36). Display parameters are
2 selected with configuration controls and locked in when activating locking
3 software (col. 7, lines 37-65). McLaughlin also describes that the locking
4 software periodically polls the current status of the display and corrects any
5 display parameter having a value that differs from a desired value (col. 8, lines
6 10-21).

7 McLaughlin does not teach or suggest the combination of elements recited
8 in the claims of the subject application for the following reasons:

9
10 (1) **McLaughlin does not disclose representing a control group with**
11 **a single status indicator in a data structure.**

12 Claim 1 is representative of the pending claims 1, 3, and 5-8. Claim 1
13 recites in part:

14 In a computer system having a video display device, the video
15 display device having a screen, a method comprising:

16 providing a plurality of controls on the screen of the video display
17 device;

18 identifying a control group, the control group being comprised of at
19 least two controls associated in a data structure;

20 representing the control group with a single status indicator in the
21 data structure; and ...

22 McLaughlin makes no reference to representing a control group with a
23 single status indicator in a data structure. McLaughlin does not teach or suggest
24 any correlation between configuration controls, or icons, and a memory or storage
25

1 device, other than to indicate that parameter and calibration data is stored as
2 separately accessible files (col. 14).

3 The Office states that McLaughlin teaches associating a group of controls
4 and polling the display status to identify user commands. McLaughlin describes
5 selecting a configuration control 48 to “activate” two displayed controls 49 and 50
6 (Fig. 4; col. 7, lines 39-42). The Office contends that these controls are associated
7 in a data structure and represented with a single status indicator (*Final Office*
8 *Action* p.3). However, this is not supported by the reference itself. McLaughlin is
9 completely silent with regard to how the controls are represented in memory.
10 Furthermore, the Office has not identified any portion of McLaughlin that would
11 have suggested any particular way of representing controls in memory or any other
12 data structure.

13 The Office assumes, based on the functionality of McLaughlin’s controls
14 48, 49, and 50, that McLaughlin uses a single status indicator to indicate whether
15 controls 49 and 50 are “activated.” However, McLaughlin does not describe any
16 such status indicator. Although McLaughlin is silent on the subject, it is more
17 likely that McLaughlin responds to selection of control 48 by setting two status
18 indicators—one corresponding to control 49 and another corresponding to control
19 50—to indicate that the two controls have been “activated.” McLaughlin contains
20 absolutely nothing that would have suggested a single status indicator to represent
21 the two controls.

22 Note that McLaughlin does not describe storing the state of control 48. In
23 other words, McLaughlin does not store any state information relating to whether
24 control 48 has been selected. Instead, McLaughlin responds to selection of control
25 48 by “activating” controls 49 and 50. In all likelihood, this involves changing the

1 state information corresponding to each of these controls, respectively. There is
2 absolutely no indication in McLaughlin of any sort of combined state information.

3 The Office states that McLaughlin discloses “a control group identifier
4 contained in memory because he discloses a software feature that initiates the
5 polling of grouped control status, which indicates that the status of the group
6 controls is maintained in memory” (*Final Office Action* p.6). This statement is
7 incorrect because it assumes, without support, that a group status is maintained in
8 memory. Nothing in McLaughlin suggests or requires such a group status. Again,
9 although McLaughlin says nothing about how the configuration controls might be
10 represented in memory, it is much more likely that McLaughlin maintains a status
11 indicator for each separate control 49 and 50.

12 Thus, McLaughlin does not “[represent] the control group with a single
13 status indicator in the data structure” as recited by claim 1.

14
15 **(2) McLaughlin does not disclose activation of controls by storing**
16 **an active value in a single status indicator.**

17 Claim 1 also recites:

18 directing the activation of the controls of the control group by
19 storing an active value in the single status indicator.

20
21 The Office recognizes that McLaughlin does not disclose group activation
22 of controls of a control group by storing an active value in a single status indicator
23 (*Office Action* dated 6/20/01, p.3). Furthermore, the Office has not cited any other
24 references to overcome this deficiency of McLaughlin.
25

1 (3) The Office has recognized that McLaughlin does not disclose
2 elements positively recited in the pending claims.

3 The Office has recognized that McLaughlin does not disclose:

- 4 • directing the activation of controls of a control group by storing an
5 active value in a single status indicator (*Office Action* dated 6/20/01,
6 p.3);
- 7 • a control grouping identifier contained within memory (*Office Action*
8 dated 12/4/01 p.4 and *Final Office Action* p.4);
- 9 • a control grouping identifier having an active state and an inactive state
10 (*Office Action* dated 12/4/01 p.4 and *Final Office Action* p.4); or
- 11 • the control grouping identifier representing controls of a control
12 grouping (*Office Action* dated 12/4/01 p.4 and *Final Office Action* p.4).

13
14 Even though the Office has and continues to recognize that McLaughlin
15 does not disclose elements positively recited in claims 1, 3, and/or 8, the Office
16 continues to reject these claims without citing any other references to overcome
17 the deficiencies of McLaughlin.

18 Accordingly, for the above reasons, claims 1, 3, and 5-8 are allowable over
19 McLaughlin because the reference does not teach or suggest the combination of
20 elements recited in the claims.

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Respectfully Submitted,

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1 **(9) Appendix of Appealed Claims**

2
3 1. In a computer system having a video display device, the video
4 display device having a screen, a method comprising:

5 providing a plurality of controls on the screen of the video display device;

6 identifying a control group, the control group being comprised of at least
7 two controls associated in a data structure;

8 representing the control group with a single status indicator in the data
9 structure; and

10 directing the activation of the controls of the control group by storing an
11 active value in the single status indicator.

1 2. In a computer system having a video display device, the video
2 display device having a screen and the computer system including a cursor which
3 is displayed on the screen, a method comprising:

4 providing a plurality of controls on the screen of the video display device;

5 identifying a control group, the control group being comprised of at least
6 two controls associated in a data structure;

7 representing the control group with a single status indicator in the data
8 structure;

9 directing the activation of the controls of the control group by storing an
10 active value in the single status indicator;

11 identifying a location on the screen that the cursor points to; and

12 for each control of the control group, identifying a control position, the
13 control position defining a location on the screen for the activated control,
14 determining a control distance, the control distance defining a control connecting
15 path which connects the identified location with the control position, calculating a
16 control angle, the control angle being an angle formed between the control
17 connecting path and a last direction of cursor movement path, and calculating a
18 weighted distance.

1 3. An apparatus for activating and deactivating a control grouping, the
2 control grouping being comprised of at least two controls and being displayed on a
3 screen of a video display device of a computer system, the apparatus including:

4 a memory formed within the computer system; and

5 a control grouping identifier contained within the memory, wherein the
6 control grouping identifier has an active state and an inactive state and wherein the
7 control grouping identifier represents the controls of the control grouping.

8
9 4. An apparatus for activating and deactivating a control grouping, the
10 control grouping being comprised of at least two controls and being displayed on a
11 screen of a video display device of a computer system, the apparatus including:

12 a memory formed within the computer system; and

13 a control grouping identifier contained within the memory, wherein the
14 control grouping identifier has an active state and an inactive state and wherein the
15 control grouping identifier is a bit of a control word that represents the controls of
16 the control grouping.

17
18 5. The method of claim 1, further comprising directing the activation of
19 individual controls by storing an active value in a status indicator for each control.

20
21 6. The method of claim 1, further comprising directing the deactivation
22 of the controls of the control group by masking the active value in the single status
23 indicator.

1 7. The method of claim 1, further comprising:
2 directing the deactivation of the controls of the control group by masking
3 the active value in the single status indicator; and
4 directing the activation of the controls of the control group by storing an
5 active value in a status indicator for each control.

6
7 8. The apparatus of claim 3 wherein the apparatus further includes an
8 identifier for an individual control contained within the memory, and wherein the
9 identifier for the individual control has an active state and an inactive state.